REMARKS

As a result of the foregoing amendment, claim 12 has been cancelled and replaced by new claim 14. Claim 14 recites the inventive process and defines the dye in accordance with the original disclosure in claim 1. In addition, the new claim 14 provides a step defining the determination which is made to fulfill the object of the method. Accordingly, the rejections under section 112 have been obviated and should be withdrawn.

Reconsideration and withdrawal of the rejection of claims 14 and 13 as being anticipated by the '099 patent are also respectfully requested. The '099 patent contains no disclosure whatsoever of the use of the specific compounds now recited in claim 14. Consequently, this reference cannot possibly anticipate the claims and the rejection is untenable and should be withdrawn.

In view of the foregoing, it is submitted that this application is in condition for allowance and favorable reconsideration and prompt notice of allowance are earnestly solicited.

Respectfully submitted,

September 25, 2003
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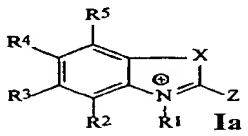
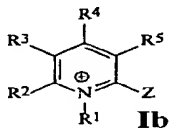
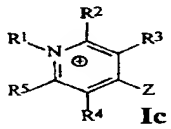
12. (cancelled)

13. (currently amended)The method according to ~~claim 12~~ claim 14, characterized in that the coupling reaction is carried out in aqueous solution.

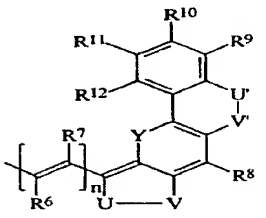
14. (new) A method for the qualitative or quantitative determination of an analyte selected from the group consisting of proteins, nucleic acids, oligomers, DNA, RNA, biological cells, lipids, polymers, drugs and polymer particles having OH-, NH_2- or SH functional groups thereon comprising subjecting the analyte to a coupling reaction with a laser-compatible polymethine-based marker dyes which contain substituted derivatives of benzooxazole, benzothiazole, 2,3,3-trimethylindolenine, 2,3,3-trimethyl-4,5-benzo-3*H*-indolenine, 2- and 4-picoline, lepidine, chinaldine and 9-methylacridine of the general formula Ia or Ib or Ic:


Ia


Ib


Ic

where Z is



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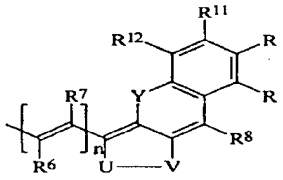

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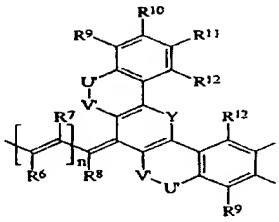

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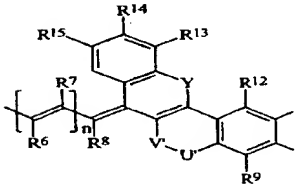

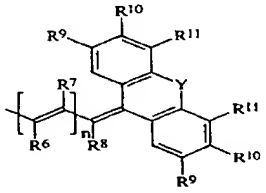

or

wherein

- X or Y is an element from the group comprising O, S, Se or the structural element N-alkyl or $C(alkyl)_2$,
- n represents the numerical value 1, 2 or 3,
- R^1 - R^{15} are identical or different and can be hydrogen, one or more alkyl- or aryl-, heteroaryl- or heterocycloaliphatic groups, a hydroxy or alkoxy group, an alkyl-substituted or cyclic amine function and/or two *ortho* groups, e.g., R^2 and R^3, together can form another aromatic ring,
- at least one of the substituents R^1 - R^{15} can be an ionizable or ionized substituent such as SO_3^-, PO_3^-, COO^- or NR_3^+ which determines the hydrophilic characteristics of these dyes,

at least one of the substituents R^1 - R^{15} can represent a reactive group which enables a covalent linking of the dye with the carrier molecules mentioned above, and

- U-V or U'-V' are identical or different and can comprise hydrogen, a saturated aliphatic, heteroaliphatic or a lactone or thiolactone grouping,

to obtain a moiety wherein the dye is covalently linked to a functional group of the analyte and then subjecting the covalently linked moiety to qualitative or quantitative analysis to determine the type or amount of the analyte.